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Food and Agricultural Import Regulations and Standards

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Report Highlights:

This report provides information on regulations and standards for importing U.S. food and beverages into Argentina. In general, Argentina is an import-friendly country with regulations which usually are applied consistently, but unexpected changes in current regulations may require additional efforts to ensure that export operation are successful.

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ARGENTINA: FOOD AND AGRICULTURAL IMPORT REGULATIONS AND STANDARDS (FAIRS)

This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Buenos Aires, Argentina, for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws

The Argentine Food Code (*Código Alimentario Argentino* - CAA) regulates local food production and marketing. However, the CAA resolutions are being gradually replaced by Mercosur standards, which are based on the norms of: 1) the European Union; 2) the CODEX; and 3) the U.S. Food and Drug Administration (FDA).

There are three official entities that regulate sanitary, quality, stability, packaging, and transportation of food products in Argentina. They are as follows:

(*) A. The National Service of Agricultural Food Health and Quality (*Servicio Nacional de Sanidad y Calidad Agroalimentaria* - **SENASA**) handles fresh, chilled, or frozen products and by-products of animal, plant and seafood origin. It also handles canned products of over 60% animal origin and food preparations of over 80% animal origin.

(*) B. The National Food Institute (*Instituto Nacional de Alimentos* - **INAL**), regulates processed food products which are prepared for direct human consumption, health supplements, and both alcoholic and non-alcoholic beverages, with the exception of wine.

C. The National Wine Institute (*Instituto Nacional de Vitivinicultura* - **INV**) exercises control over the genuineness of wine and wine products during their production, manufacturing, fractioning, and marketing stages.

(*) These two organizations have overlapping responsibilities. FAS recommends that exporters rely on their importers to get their products registered with the appropriate organization.

For processed foods and beverages (except wine), Decree 1812 of September, 1992, established the following:

"... in the case of imported processed foods, the CAA requirements are considered to be met when the products come from the following countries/regions: U.S.A, E.U., New Zealand, Switzerland, Japan, etc. In all of these cases, the food products should have been manufactured under the same controls as those products destined for human consumption in the domestic market of the country of origin."

Article 8 of Decree 1812 states the following:

"...when there are reasons to presume risks for human, animal or plant health because of the introduction of food products to the country, the three above-mentioned entities (SENASA, INAL, and INV) reserve the right to perform an inspection of the facility previous to the product's entry into Argentina." (Note: Please see Section IX. Import Procedures - Paragraph 2)

Section II. Labeling Requirements

A. General Requirements:

Products imported through SENASA (fresh, chilled, or frozen products and by-products of animal, plant and seafood origin): A label must be affixed to the packaging of the imported products. It must include the following information in Spanish:

- importer's information
- country of origin
- establishment of origin
- ingredient declaration
- temperature range for maintenance requirements
- minimum durability

Products imported through INAL (processed foods, and alcoholic and non-alcoholic beverages, except wine): Imported processed foods from the United States can come in their original package. There is no need to translate the labels. The only special requirement is a sticker label affixed to the retail package (no matter the size/volume) containing the following data in Spanish:

- name and brand of the product
- country of origin
- composition: ingredients and additives in decreasing order of weight
- net weight or measure
- lot number
- expiration date
- exporter's name and address
- importer's name and address
- importer's National Register of Establishment number (RNE)
- National Register of Food Product number (RNPA)
- storage, preparation and usage instructions when needed

Products imported through INV (wine): A sticker label should be affixed to each imported bottle of wine, containing the following information in Spanish:

- analysis number
- lot number
- importer's name and address
- country of origin
- name and brand of the product
- warning

Organic Products

Imported products labeled as "organic" must come from a country whose organic standards have been evaluated by SENASA and found to be equivalent to the Argentine regulations on organic production. They must also be certified by any of the Argentine certifying agencies approved by SENASA prior to export.

Biotech Products

There are no labeling requirements for biotech foods in Argentina. Despite the increasing demand for biotech food labeling by international consumer and environmental groups, Argentina does not have a national regulatory system for biotech foods, and none is likely in the near term. Most Argentine legislators believe that the national interest is not served by mandatory labeling legislation.

B. Requirements specific to nutritional labeling:

The standard U.S. nutritional fact panel is acceptable but not yet required in Argentina for imported food products. For domestic products, nutritional labeling is voluntary. Note: nutritional labeling can be an effective marketing tool.

At the present time, no nutrient content claims (e.g. "low in saturated fat"), absolute descriptors (e.g. "high-fiber or low fat"), or relative descriptors (e.g. "reduced" sugar or "light" in sodium) are required, approved, or prohibited by the GOA. However, they are being reviewed under the Mercosur standards. Thus, these claims are analyzed on a case-by-case basis.

Section III. Packaging and Container Regulations

Argentina does not officially have any special packaging or container size requirements or preferences. It is a marketing issue where the consumer determines what type of package/container he/she prefers.

In addition, there are no official municipal waste disposal laws or product recycling regulations which affect imported products.

Section IV. Food additive Regulations

Argentina uses a positive list of food additives. Article 2 of Decree 2092 of October, 1991, states the following:

"... all foods, condiments, beverages, or their raw material and food additives which are manufactured, fractioned, preserved, transported, sold, or exposed, must comply with the CAA requirements. When one of those is imported, the CAA requirements will be applied. The Argentine Government (GOA) also considers products from countries which have food controls comparable to those of Argentina, or when they use the *Codex Alimentarius* (FAO/OMS) standards, to be in compliance with Argentine standards."

All additives used must be included in the Mercosur positive list of food additives. If the additive in question does not appear on that list, its registration can be requested to INAL. This list varies by product and can be obtained from an importer.

Section V. Pesticides and other Contaminants

Pesticide tolerances are regulated by the CAA, which is based on the *Codex Alimentarius* (FAO/WHO).

Section VI. Other Regulations and Requirements

Before the product is shipped, it must undergo a "pre-shipment inspection" in the country of origin, carried out by an international certification company appointed by the GOA. The GOA's objective is to compare the merchandise shipped with the price paid for it in order to avoid under-billing. These companies have offices in all major U.S. ports. *(Note: This procedure only applies to the agricultural and food products included in the following HTS Chapters: 1, 2, 5, 7, 12, 13, 14, and 23).*

Health supplements, which contain certain ingredients, should have a "warning" sign and specific language determined on a case-by-case basis. INAL regulates this requirement according to the CAA. U.S. bar codes can remain on the package, and most retailers make use of them.

Enriched Flour: By Argentine Law § 25.630 and its Decree § 569/2003, all flour-based products must have been manufactured with enriched flour. The required nutrients are as follows:

Nutrient	Quantity (mg/Kg)
Iron	30
Folic Acid	2.2
Thiamin (Vitamin B1)	6.3
Riboflavin (Vitamin B2)	1.3
Niacin	13.0

Diet products that require either more or less of the amounts indicated above are exempted together with those products deemed as organic/ecological/biological by Law § 25127. Labels must show the content of each nutrient and the legend "Enriched Flour Law § 25630 - Harina Enriquecida Ley N° 25630".

SECTION VII. OTHER SPECIFIC STANDARDS

Product samples with no commercial value (under US\$100) do not pay import duties. Regular mail should be used. Post recommends exporters coordinate with their importers/agents on this matter.

SECTION VIII. COPYRIGHT AND/OR TRADEMARK LAWS

Argentina has not adhered to the Geneva Pact. Therefore, brands and trademarks have to be registered in Argentina to ensure brand property. Post recommends that any U.S. company that is expecting to launch products in the Argentine market to register them. The cost is approximately US\$300 per brand.

SECTION IX. IMPORT PROCEDURES

Products imported through SENASA (fresh, chilled, or frozen products and by-products of animal and seafood origin): (SENASA Resolution No. 816/02) An import permit is required to import products and by-products of animal origin into Argentina. The permit is obtained from SENASA and should be requested by an importer who has already been registered at SENASA and who has registered the facility intending to export to Argentina. The application for the permit must state the following:

- type of product
- country of origin
- name of meat establishment
- official meat establishment number
- address of meat establishment
- monograph describing the manufacturing process of the product
- monograph on the packaging type listing the materials that will be used. In addition, the packaging must be approved by the appropriate official authority at the country of origin. The certificate should state that the packaging is approved to be in contact with edible products (this primarily applies to canned products)
- two copies of the original product label to be imported

This permit includes the registration numbers of the importer and product. After the permit is granted and within five (5) days prior to arrival of the product at the Argentine port of entry, the importer must advise SENASA of the arrival of the shipment. During the following fifteen (15) days, the importation must be completed. Only with a strong justification can this time period be extended.

U.S. products and by-products of animal origin can only be imported from U.S. plants approved by the United States Department of Agriculture and the Food and Drug Administration, and must be accompanied by an official health certificate. While SENASA accepts product from any FSIS/FDA-approved facility, it reserves the right to prior inspection and approval of the establishments of origin by SENASA, when deemed necessary. All U.S. meat plants exporting products and by-products of animal origin to Argentina are being audited by SENASA. This new mandatory requirement has not become official yet but it is included in SENASA's import resolution No. 816/02, which is not currently applied to the United States.

On January 22, 2002, SENASA Resolution No. 117 was implemented. This new resolution defines the methodology to be followed for risk assessment of importation of live animals, their reproductive material, and products and by-products of animal origin in relation to Bovine Spongiform Encephalopathy (BSE) occurrence.

Before the BSE case of December 23, 2003 in the state of Washington, the U.S. product most affected by this resolution was sweetbreads, which were barred from importation into Argentina in January 2002. After the BSE case of December 23, 2003, all imports of live animal, products and by-products of ruminant origin were temporarily suspended. USDA and SENASA are working jointly to overcome this issue and only bovine reproductive material (animal genetics), dairy products and hides have been allowed as of this date (Sept. 2005).

Processed meat products: The same data apply to processed products such as ham, sausages, canned products, etc. In this case, a full description of the product composition in Spanish is required (i.e. percentage of each of its major ingredients, approved by the official sanitary service).

Fresh, chilled and frozen pork and lamb meat: The United States does not have agreed a protocol with Argentina for the importation of these meats.

Products imported through SENASA (products of plant origin): In order to obtain a USDA Phytosanitary Certificate required for all plant products entering into Argentina (which should be signed by an Animal and Plant Health Inspection Service/APHIS *official* inspector, not by an APHIS *state* inspector), the exporter will need to submit an import certificate (AFIDI) to APHIS. This AFIDI can only be obtained from SENASA by the importer in Argentina. The

AFIDI will explain in detail all the necessary requirements needed before the product can be exported. Upon arrival in Argentina, SENASA will hold the product at the port of entry for inspection and to verify that it meets all the requirements stated in the AFIDI. SENASA will then issue an import certificate for Customs to release the product.

The AFIDI must state the following:

- Name of product
- Destination
- Origin
- Phytosanitary Certificate including additional declaration
- (for specific information on this certificate, please contact the APHIS Office in Buenos Aires, Juramento 2089, 1428 Buenos Aires, Argentina, phone: 54-11-4706-3819; fax: 54-11-4706-0593; e-mail: mariadelpilarbilotte@aphis.usda.gov).

Also with plant materials, SENASA only accepts products from APHIS-approved facilities, and it reserves the right to prior inspection and approval of the establishments of origin by a SENASA official, when deemed necessary.

Products imported through INAL (Processed foods, and alcoholic and non-alcoholic beverages, except wine): Product and importer registration is required prior to importing a product into Argentina. The product must be registered by an importer who has already completed the registration process at INAL. If the product has no problems, its registration should be ready in less than thirty (30) days. The requirements to register imported processed foods are listed below:

- A. A new importer must apply only once for a National Register of Establishment (RNE). The requirements are as follows:
- letter addressed to the Minister of Public Health
 - registration form
 - Customs registration form
 - Tax Office (DGI) registration form
 - Municipal authorization for the warehouse (cold chambers, for frozen products)
 - approval of partnership of the company
 - payment of fee
- B. In order to register the product, the importer along with his RNE must apply for a National Register of Food Product number (RNPA). The requirements are the following:
- letter addressed to the Minister of Public Health announcing intention to register
 - application form
 - flow chart and assay on the product's manufacturing process and technique, raw materials used, and packaging type
 - original label and three copies
 - complementary label with the data stated under "Section II. Labeling Requirements"; and
 - Certificate of Free Sale and Fit for Human Consumption issued by the sanitary authority of the country (or state) of origin
 - payment of fee

C. Once the RNPA has been issued and the product is in the port, the importer needs to obtain a Certificate of Free Circulation (*Certificado de Libre Circulación*) at INAL. The requirements are listed below:

- letter requesting a Certificate of Free Circulation for the product/s
- shipment information
- copy of the invoice
- bill of lading
- copy of the RNE
- copy of the RNPA
- manufacturing date and shelf life
- Certificate of Fit for Human Consumption, issued by the sanitary authority of the country (or state) of origin
- Certificate of Aging (for alcoholic beverages, except for wine)

Once the importer has an RNPA, he does not need to apply for a new one every time he imports the product. However, he must request a Certificate of Free Circulation for each shipment.

In the case of health supplements, items (A), (B), and (C) mentioned above also apply with slight differences. Instead of the RNE, importing establishments need to obtain from INAL a National Register of Establishment of Health Supplements number (RNESD). And instead of the RNPA, a National Register of Health Supplements number (RNSD) is needed. The requirements are as follows:

- request register authorization at INAL
- each presentation must be signed by the owner of the product, the local legal representative, and technical director of the local establishment
- Certificate of Free Sale from the country of origin, issued by the national or state sanitary authority, and stamped by the Argentine Consulate.
- Analysis of the product for verification that it complies with the CAA standards
- the Argentine importer must have a technical director who will be responsible for: the genuine origin of the product, the legitimacy of the document, the shelf life of the product, the quality control of the shipment, the correct labeling, and the appropriate "warning" literature on each package or promotional material, when required

Products imported through INV (wine):

- The importer must be registered in the INV.
- The imported product must come accompanied by a certificate issued by the appropriate official authority of the country of origin, stating its analytical specifications.
- The product must comply with the limits of analytical composition required by the INV for similar locally manufactured products.
- The importer must request an import permit including volume and analysis number.
- A sticker must be affixed to each bottle (see Section II. Labeling Requirements).

Once the product arrives at the warehouse, the importer must request an analysis and shipment control by the INV. If the analysis is correct, the INV issues a Certificate of Free Circulation. Then, the product is ready to be marketed.

The following is information with U.S. wineries must provide to the Argentine importer:

- Certificate of Country of Origin
- Certificate of Free Sale and Fitness for Human Consumption
- Certificate from the Wine Institute
- analysis of the product

APPENDIX I. GOVERNMENT REGULATORY AGENCY CONTACTS

Servicio Nacional de Sanidad y Calidad Agroalimentaria (SENASA)
Avda. Paseo Colón 367, piso 5
1063 Buenos Aires, Argentina
Tel: (54-11) 4331-6041/49
Fax: (54-11) 4343-5668

Instituto Nacional de Alimentos (INAL)
Estados Unidos 25
1101 Buenos Aires, Argentina
Tel: (54-11) 4342-5674; 4340-0800 (ext. 3538)
Fax: (54-11) 4331-6418

Instituto Nacional de Vitivinicultura (INV)
San Martín 430
5500 Mendoza, Argentina
Tel: (54-261) 4496358; 4496359
Fax: (54-261) 4496306.

APPENDIX II. OTHER IMPORT SPECIALIST CONTACTS

Argentina has only one official laboratory for products of animal origin, which is owned by SENASA. However, there are several other laboratories approved by SENASA and the Food Safety Inspection Service (FSIS), U.S. Department of Agriculture. List of approved laboratories may be obtained through the FAS Buenos Aires office, as follows:

Office of Agricultural Affairs
U.S. Embassy, Buenos Aires
Avda. Colombia 4300, C1425GMN Buenos Aires, Argentina
Phone: 54-11-5777-4406; 5777-4704, Fax: 54-11-5777-4216
E-mail: agbuenosaires@fas.usda.gov
Homepage: <http://www.fas.usda.gov>